

House File 405 - Introduced

HOUSE FILE 405

BY R. OLSON

A BILL FOR

1 An Act relating to the entry of a deferred judgment for certain
2 alcohol violations by persons under legal age.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 907.3, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *n.* The offense is a violation of section
4 123.46 or 123.47 involving a person under legal age and the
5 person has not paid all fees, fines, and civil penalties
6 related to the violation.

7 Sec. 2. Section 907.14, subsection 1, Code 2013, is amended
8 to read as follows:

9 1. ~~Upon~~ Except as provided in section 907.3, subsection 1,
10 paragraph "n", upon the entry of a deferred judgment pursuant to
11 section 907.3, a defendant shall be assessed a civil penalty
12 of an amount not less than the amount of any criminal fine
13 authorized by law for the offense under section 902.9 or
14 section 903.1.

15

EXPLANATION

16 This bill relates to the entry of a deferred judgment for
17 certain alcohol violations by persons under legal age.

18 The bill provides that a deferred judgment is not available
19 for a person under legal age who commits a violation of Code
20 section 123.46 (public intoxication) or Code section 123.47
21 (minor in possession of alcohol) until the person has paid all
22 fees, fines, and civil penalties. The bill makes a conforming
23 change to current law which provides that upon the entry of a
24 deferred judgment pursuant to Code section 907.3, a defendant
25 shall be assessed a civil penalty.

26 Under Code section 123.3, "legal age" means 21 years of age
27 or older.